

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
PROJECT VERITAS ACTION FUND,)
Plaintiff,)
)
v.) Civil Action No. 1:16-cv-10462-PBS
)
RACHAEL ROLLINS,)
Defendant)
)

JUDGMENT

This matter having come before the Court on the parties' cross-motions for summary judgment (dkt. nos. 101 & 113) and the defendant's motion to dismiss (dkt. no. 112), it is hereby ORDERED that, pursuant to the opinion and judgment of the Court of Appeals (dkt. nos. 158 & 159):

1. Judgment is entered against the plaintiff's claim that Mass. G.L. c. 272, § 99, is substantially overbroad in contravention of the First Amendment (i.e., Count I, ¶ 35, of the Second Amended Complaint (dkt. no. 83));
2. The plaintiff's claim that Mass. G.L. c. 272, § 99, contravenes the First Amendment insofar as it prohibits the secret, nonconsensual audio recording of all government officials discharging their official duties in public spaces (i.e., Count I, ¶¶ 36-38, of the Second Amended Complaint) is dismissed for lack of jurisdiction;
3. Judgment is entered against the plaintiff's claim that Mass. G.L. c. 272, § 99, contravenes the First Amendment insofar as it prohibits the secret, nonconsensual audio recording of any person who does not have a reasonable expectation of privacy in what is recorded (i.e., Count II of the Second Amended Complaint).

IT IS SO ORDERED.

Date: 3/2/2021

/s/ PATTI B. SARIS

Hon. Patti B. Saris
United States District Judge